

## REMARKS

Claims 1-35 are pending; claims 1, 5, and 20 are independent. Applicants have amended claims 5 and 20 to more clearly claim their invention.

Claims 1, 4-5, 9-21, and 25-35 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Tagami et al, United States patent 5,812,369. Claims 2-3, 6-8, and 22-24 stand rejected under 35 U.S.C. § 103(a) over Tagami in view of Klein et al., United States patent 5,726,885. Applicants respectfully traverse these rejections.

As more fully explained below, the Tagami et al. document refers to a vehicle sharing system that differs fundamentally from Applicants' claimed system in the way that vehicles are selected. The Tagami document for example, refers to a vehicle sharing system in which the computer selects an available motor vehicle based on a user's *past usage* information (col. 8, lines 28-29). Tagami does not disclose, teach or suggest a vehicle sharing system wherein vehicle allocation is based on the user's anticipated travel.

Applicants' claimed system is superior to the system referred to in Tagami because, inter alia, a system that selects a vehicle for use based on a user's past usage will likely result in a situation whereby a vehicle is allocated to a user with an insufficient charge for the user's intended use. A vehicle sharing system that considers the user's anticipated travel or intended vehicle use in the allocation process provides for a more appropriate vehicle selection, thereby greatly reducing the chance that a vehicle would run out of charge short of the user's intended destination. In addition, by allocating vehicles based on a user's intended use of the vehicle the vehicle allocation of the present invention system will more accurately predict the state of charge (for electric vehicles) that will be present when a vehicle is returned, thus enabling more efficient allocation of vehicles and charge facilities.

It is therefore apparent that Tagami does not teach or suggest a system in which a user's intended use of the vehicle is considered in the allocation process, as in Applicants' claimed invention.

Rejections Under 35 U.S.C. § 102(a)

Turning now to the specific grounds for rejection, independent claims 1, 5, 20, and dependent claims 4, 9-19, 21 and 25-35 stand rejected under 35 U.S.C. § 102(a) as unpatentable over Tagami. Applicants respectfully traverse these rejections. Each of the rejected independent claims, as amended, is limited to a vehicle allocation system that considers the user's intended use of the vehicle in the allocation of an appropriate vehicle. For example:

Claim 1 -- "wherein [a request to use a vehicle] includes an estimated distance and time duration of an intended trip."

Claim 5 -- a "central station computer is programmed to select and allocate a vehicle from the fleet in response to receiving user input-information from a user, said selection being based on the received user-input information regarding the user's intended trip."

Claim 20 -- "selecting a vehicle from the fleet and allocating the vehicle to the request, said selection being based, at least in part, on the user-input information regarding the user's intended trip ...."

According to the Examiner, Tagami discloses applicant's invention, including the limitation that vehicles are allocated according to intended use. Applicants' respectfully disagree.

With respect to the "intended" use element in claim 1 cited above, the Examiner cites col. 5, lines 6-11, which states in pertinent part that "the control center MC issues IC cards which store registration information ... [and] records of *past* rental information including ... distances and times traveled ...." Likewise, with respect to the intended use element in claims 5 and 20, the Examiner cites col. 5, lines 34-36 and col. 5, line 46 to col. 6, line 2, to support the Examiner's

argument that Tagami discloses a vehicle sharing system in which a “computer ... processes user information and selects the vehicle best equip (sic) to handle the *intended* trip.” See Office Action, page 3. The element of allocating a vehicle best equipped to handle the immediate or intended needs of the user is explicit in Claim 1 and, as amended, Claims 5 and 20. The intended use element is not new matter as it is disclosed in Applicants’ specification: “[a] determination is made of the total charge necessary to safely make the trip, based on the expected destination, additional distance and/or additional time information entered by the user.” Page 12, lines 25-27. See also pages 10-12 of the specification for a more complete allocation disclosure. In sharp contrast, Tagami states that “[t]he shared vehicle rental system selects available motor vehicles depending on the *past usage* by users ... [such that the] system selects a motor vehicle whose battery is not fully charged for a user whose *past traveled distance* is relatively short.” Col. 8, lines 28-35.

Vehicle allocation based on the intended use of the vehicle allows for the more efficient allocation since it more accurately selects the appropriate vehicle. This is particularly important with the use of electric vehicles, which require specialized facilities for recharging. An example of the importance of this distinction is as follows: a user detour is accounted for in the allocation process in Applicants’ present invention, however, a detour according to the Tagami disclosure could very well leave a user stranded after depleting the charge that was merely sufficient to meet his past usage need.

The relevant portion that the Examiner sites to support that the intended use element is met in Tagami states, “[s]ome of the available motor vehicles C have batteries that are not fully ... and fully charged. If the average traveled distance in the *past usage* recorded on the IC card of the user is relatively short, then the computer 60 selects, for the user, a motor vehicle C whose battery is not fully charged.” Col. 5, line 63 to col. 6, line 2. Past usage is not the same as intended usage.

In addition, the disclosure of “registration information,” as used in Tagami, is solely to ensure that allocation is to a registered user, a security measure, it has no relevance to any of

Applicants' claimed inventions. Col. 5, lines 46-62. Likewise, Tagami's disclosure of different user groups, whereby a user is placed in one of two groups depending on the time of day they will use the vehicle, does not teach or suggest the intended use element as claimed in Applicants' present invention. Placing users in such groups does not consider the immediate needs of the user, but goes to a way of efficiently operating a vehicle sharing system. Col. 3, lines 5-9.

As demonstrated above, claims 1, 5 and 20 are patentable over Tagami because the cited document does not disclose, teach or suggest a vehicle allocation method that considers a user's intended use of the vehicle in the allocation process. Since the limitation said to be present is not in fact shown or suggested by the cited art, the claims cannot be rendered anticipated or obvious by teachings directed to other limitations of the inventions claimed. Accordingly, the rejection of claims 1, 5 and 20 as anticipated should be withdrawn.

Claims 4, 9-19, 21 and 25-35, which were also rejected by the Examiner as anticipated by Tagami, each depend from the independent claims listed above and, therefore, narrow their scope. As previously demonstrated, neither the Tagami document nor the arguments made by the Examiner teach or suggest a vehicle allocation method whereby a user's intended use is considered in the allocation of a vehicle. It follows, therefore, that since the limitations said to be present are not in fact shown, taught or suggested by the cited art, the claim cannot be rendered obvious by teachings directed to other limitations of the inventions claimed. Accordingly, the rejection of claims 4, 9-19, 21 and 25-35 as anticipated should be withdrawn.

#### Rejections Under 35 U.S.C. § 103(a)

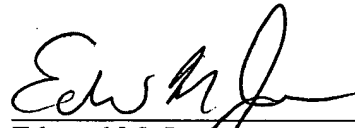
Claims 2-3, 6-8, and 22-24 stand rejected as unpatentable over Tagami, in view of Klein. The documents cited, however, fail to teach or suggest the intended use element of independent claims 1, 5, and 20, and instead go to limitations contained in the dependent claims which narrow the claims they depend from. Accordingly, the rejection of claims 2-3, 6-8, and 22-24 should also be withdrawn.

Applicants respectfully submit that their claims are in condition for allowance, and request notice thereof.

The Commissioner is hereby authorized to charge any additional fees to Deposit Account 131 241 or to credit any overpayment to the same for all matters during the prosecution of this application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS  
Attorneys for Applicants

A handwritten signature in cursive script, appearing to read "Ed M. Jordan", written over a horizontal line.

By: Edward M. Jordan  
Registration Number 40,666

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Prior pending Claims 5 and 20:

5. (Amended) A vehicle allocation system for allocating one or more vehicles from a fleet of vehicles to one or more users, the vehicle allocation system comprising:
- one or more ports at geographically remote locations relative to each other, each port having a user interface terminal for receiving user-input information;
  - at least one central station computer system coupled for communication with the user interface terminal at each port for receiving user-input information from any said user interface terminals, wherein said at least one central station computer is programmed to select and allocate a vehicle from the fleet in response to receiving user input-information from a user, said selection being based on the received user-input information **regarding the user's intended trip.**
20. (Amended) A method for allocating one or more vehicles from a fleet of vehicles to one or more users, the method comprising:
- providing at least one port terminal, each having a user interface for receiving vehicle requests from users;
  - receiving a request for a vehicle at one of said port terminals from one of said users, said request including user-input information;
  - communicating the user-input information to a central computer system;
  - selecting a vehicle from the fleet and allocating the vehicle to the request, said selection being based, at least in part, on the user-input information **regarding the user's intended trip** received at that port terminal.

40422070.1